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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,515	07/21/2003	Nobuo Aoi	60188-571	3781

7590 06/16/2006

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EXAMINER

TSOY, ELENA

ART UNIT	PAPER NUMBER
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1762

DATE MAILED: 06/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/622,515		AOI, NOBUO	
	Examiner		Art Unit	
	Elena Tsoy		1762	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-50 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-4, 45-47, drawn to an interlayer insulating film, classified in class 428, subclass 98.
 - II. Claims 5-8, 48-50, drawn to an interlayer insulating film, classified in class 428, subclass 98.
 - III. Claims 9-16, drawn to a method for forming an interlayer insulating film, classified in class 427, subclass 331.
 - IV. Claims 17-26, drawn to a method for forming an interlayer insulating film, classified in class 427, subclass 331.
 - V. Claims 27-34, drawn to a method for forming an interlayer insulating film, classified in class 427, subclass 331.
 - VI. Claims 35-44, drawn to a method for forming an interlayer insulating film, classified in class 427, subclass 331.

Distinctness

The inventions are distinct, each from the other because:

2. Inventions 1-VI are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different designs, modes of operation, and effects (MPEP § 802.01 and § 806.06). In the instant case, the different inventions have different designs, modes of operation, and effects because they are related to polymer films, which are prepared or may be prepared from different compositions in different phases, e.g. gas, liquid, or gas-liquid phases.
3. Because these inventions are distinct for the reasons given above and the search required for one Group is not required for other Groups, restriction for examination purposes as indicated is proper.
4. Claim 1 of Group I is generic to a plurality of disclosed patentably distinct *first* monomer species such as adamantane derivatives (Claims 2, 46) or methane derivatives (Claims 3, 46).

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5. Claim 5 of Group II is generic to a plurality of disclosed patentably distinct *second* monomer species such as adamantane derivatives (Claims 7, 50) or methane derivatives (Claims 8, 50).

6. Claim 9 of Group III is generic to a plurality of disclosed patentably distinct *first* monomer species such as adamantane derivatives (Claim 10) or methane derivatives (Claim 11).

7. Claim 17 of Group IV is generic to a plurality of disclosed patentably distinct polymerization reaction species such as a thermal polymerization reaction (Claim 18) or a plasma polymerization reaction (Claim 19).

8. Claim 17 of Group IV is generic to a plurality of disclosed patentably distinct *first* monomer species such as adamantane derivatives (Claim 20) or methane derivatives (Claim 21).

9. Claim 27 of Group V is generic to a plurality of disclosed patentably distinct *second* monomer species such as adamantane derivatives (Claim 29) or methane derivatives (Claim 30).

10. Claim 35 of Group VI is generic to a plurality of disclosed patentably distinct polymerization reaction species such as a thermal polymerization reaction (Claim 36) or a plasma polymerization reaction (Claim 37).

11. Claim 35 of Group VI is generic to a plurality of disclosed patentably distinct *second* monomer species such as adamantane derivatives (Claim 39) or methane derivatives (Claim 40).

12. Applicant is required under 35 U.S.C. 121 to elect a **single claim** (single disclosed species) **from Claims 6, 7, 8, 9, 11, 12**, even though this requirement is traversed.

13. Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

14. Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

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15. A telephone call was made to Mr. Ramyar M. Farid on June 13, 2006 to request an oral election to the above restriction requirement, but did not result in an election being made.

16. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).


Conclusion

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elena Tsoy whose telephone number is 571-272-1429. The examiner can normally be reached on Monday-Thursday, 9:00AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on 571-272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Elena Tsoy
Primary Examiner
Art Unit 1762

ELENA TSOY
PRIMARY EXAMINER


June 13, 2006